

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

FILED

FEB 21 2018

Clerk, U.S. District Court
District Of Montana
Great Falls

SAFRON HUOT,

Plaintiff,

vs.

MONTANA STATE DEPARTMENT
OF CHILD AND FAMILY
SERVICES; et al.,

Defendants.

CV-17-45-BU-BMM-JCL

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

Plaintiff Safron Huot, appearing pro se, commenced this case to appeal a decision of the Montana Supreme Court. The Court dismissed this case for lack of jurisdiction as a federal court does not possess jurisdiction over a litigant's pleading requesting that the court review a state court decision.

After dismissal, Huot filed a motion titled "Motion for a Mistrial/Change of Venue/Removal and Replacement of Magistrate Judge" on November 29, 2017. (Doc. 13.) Huot requests: (1) a "mistrial" be declared on the grounds of "Obstruction of Justice"; (2) the cases be transferred to the "District of Great Falls"; and (3) United State Magistrate Judge Jeremiah Lynch be removed from

presiding over the cases. Judge Lynch entered Findings and Recommendations in this matter on January 29, 2018. (Doc. 14.) Neither party filed objections.

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review Judge Lynch's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Lynch determined that a "motion for a mistrial" fails to apply in this situation as an Order of dismissal exists in this case. (Doc. 14 at 2.) Judge Lynch construes Huot's motion as a motion for relief from judgment or order under Federal Rule of Civil Procedure 60(b). *Id.* Judge Lynch further determined that Huot identifies no actionable ground for relief. *Id.* The Court does not possess the authority to hear the merits of Huot's claim.

IT IS ORDERED that Judge Lynch's Findings and Recommendations (Doc. 14), are **ADOPTED IN FULL**.

IT IS FURTHER ORDERED that Huot's motion for a mistrial, construed as a Rule 60(b) motion, is **DENIED** as lacking any basis in fact or law.

DATED this 21st day of February, 2018.



Brian Morris
United States District Court Judge